

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JOSEPH F. SPATOLA and U.S. POSTAL SERVICE,
POST OFFICE, Vestal, NY

*Docket No. 00-105; Submitted on the Record;
Issued October 12, 2000*

DECISION and ORDER

Before MICHAEL E. GROOM, A. PETER KANJORSKI,
PRISCILLA ANNE SCHWAB

The issue is whether appellant has established that the dizziness, blurring of vision and shortness of breath were causally related to his federal employment.

On October 14, 1998 appellant, then a 34-year-old letter carrier, filed a claim for traumatic injury (Form CA-1) alleging on the previous day he felt dizziness and shortness of breath while in the performance of duty.

In a narrative received by the Office of Workers' Compensation Programs on December 4, 1998, appellant indicated, "The pressure of a double work load after the holiday of October 12, 1998 cannot be ruled out, and I had no similar symptoms before this injury took place."

By decision dated February 8, 1999, the Office denied the claim on the grounds that the medical evidence was insufficient to establish the claim. By decision dated August 3, 1999, the Office reviewed the case on its merits and denied modification of the prior decision.¹

The Board finds that appellant has not established that he sustained an injury causally related to his federal employment.

¹ In its August 3, 1999 decision, the Office interpreted appellant's June 16, 1999 statement that he "was gearing up to deliver the post holiday load of mail" to refer to the Christmas holiday mailing period. However, it appears appellant was referring to the extra load of mail caused as a result of the October 12, 1998 Columbus Day holiday. In his narrative received by the Office on December 14, 1998, appellant stated in reference to the causes of his medical condition that "The pressure of a double workload after the holiday of October 12, 1998, cannot be ruled out."

An employee seeking benefits under the Federal Employees' Compensation Act² has the burden of establishing the essential elements of his or her claim including the fact that the individual is an "employee of the United States" within the meaning of the Act, that the claim was timely filed within the applicable time limitation period of the Act, that an injury was sustained in the performance of duty as alleged and that any disability and/or specific condition for which compensation is claimed are causally related to the employment injury.³ These are essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁴

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (1) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; (2) medical evidence establishing the presence or existence of the disease or condition, for which compensation is claimed; and (3) medical evidence establishing that the employment factors identified by the claimant were the proximate cause of the condition for which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.⁵ Neither the fact that the condition became manifest during a period of federal employment, nor the belief of appellant that the condition was caused or aggravated by his federal employment, is sufficient to establish causal relation.⁶

In this case, appellant has established that he experienced dizziness and shortness of breath at work on October 13, 1998 after he finished casing mail. However, appellant has failed to meet his burden of proof in establishing through medical evidence that his condition was caused by employment factors. Causal relationship is a medical issue, which requires a physician to explain how or why he or she believes that the accident, incident, or work factor caused or affected the physical condition, and the objective findings that support that conclusion.

Dr. Powell, appellant's treating physician, saw appellant the day after the work incident and excused him from work due to dizziness and chest pressure. His office note related that appellant did not like light duty and felt his symptoms were due to stress on the job.

After a complete cardiac work-up by Dr. James Vincens, Board-certified in internal medicine and cardiovascular disease, Dr. Powell stated in his March 11, 1999 report that appellant believed that his symptoms were related to a stressful workday, but that the results of the cardiac evaluation were normal. In a questionnaire, Dr. Powell responded that he could not identify any definitive cause for appellant's symptoms, and indicated that because the cardiology

² 5 U.S.C. §§ 8101-8193.

³ *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁴ *David M. Ibarra*, 48 ECAB 218 (1996).

⁵ *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁶ *Manuel Garcia*, 37 ECAB 767 (1986).

work-up was negative, appellant “presumably had problem from stress at work.” Dr. Powell added that if stressed, appellant could have had a “vasovagal response” causing fainting or dizziness.

Dr. Powell’s conclusions are insufficient to establish the requisite causal relationship because the physician failed to explain how the alleged job stress from casing a double load of mail following the Columbus Day holiday caused the dizziness and fainting spell experienced by appellant on October 13, 1998.⁷ Dr. Powell stated that he was unable to find a definitive cause and simply repeated appellant’s belief that his casing duties caused his symptoms on that day.⁸ Further, Dr. Powell does not provide a specific opinion on causal relationship; rather, he speculates that because the cardiac examination was normal, stress could have caused appellant’s symptoms, and that if appellant were stressed at work, he could have experienced dizziness.⁹

Thus, Dr. Powell’s conclusions are not supported with sufficient medical rationale and explanation to establish a causal relationship between the October 13, 1998 dizziness episode and appellant’s work. Accordingly, the Board finds that appellant has not met his burden of proof and the Office properly denied his claim.

The decisions of the Office of Workers’ Compensation Programs dated August 3 and February 8, 1999 are affirmed.¹⁰

Dated, Washington, DC
October 12, 2000

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member

Priscilla Anne Schwab

⁷ The Board notes that the employing establishment stated that appellant’s work load on October 14, 1998 was 1.59 feet of mail per hour while the expected standard was 3.3 feet per hour.

⁸ *Jacquelyn L. Oliver*, 48 ECAB 232 (1996).

⁹ *Judith J. Montage*, 48 ECAB 292 (1997).

¹⁰ The Board notes that this case record contains evidence which was submitted subsequent to the Office’s August 3, 1999 decision. The Board has no jurisdiction to review this evidence for the first time on appeal; *see* 20 C.F.R. § 501.2(c); *James C. Campbell*, 5 ECAB 35 (1952).

Alternate Member